

# Exhibit D

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

## BLUE SPIKE, LLC

Plaintiff,

V.

GOOGLE INC.,

**Defendant.**

Case No. 14-cv-01650 (YGR)

**[PROPOSED FORM OF] JUDGMENT  
INVALIDATING ASSERTED PATENTS  
PURSUANT TO DKT. NOS. 75, 80**

Hearing Date: N/A

Hearing Time: N/A

Courtroom: Courtroom 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

This action having come before the Court, and pursuant to the Court’s Orders: (1) granting Defendant Google Inc.’s (“Google”) Motion for Judgment on the Pleadings (Dkt. Nos. 59, 75); and (2) accepting Plaintiff Blue Spike, LLC’s (“Blue Spike”) Statement of Non-objection (Dkt. No. 77) in response to the Court’s Order to Show Cause (Dkt. Nos. 76, 80) – together which find all asserted claims of U.S. Patent Nos. 7,346,472 (the ““472 Patent”), 7,660,700 (the ““700 Patent”), 7,949,494 (the ““494 Patent”), 8,214,175 (the ““175 Patent”), and 8,712,728 (the ““728 Patent”) (collectively, the “Patents-In-Suit”) invalid pursuant to 35 U.S.C. § 101 – IT IS HEREBY ADJUDGED AND ORDERED that:

1. For the reasons set forth in the Court's Order on September 8, 2015 (Dkt. No. 75), the following asserted claims are invalid pursuant to 35 U.S.C. § 101:

- claims 1-4, 8, and 11 of the '472 Patent;
  - claims 1, 10-12, 18, 21, 27, 40, and 51 of the '700 Patent;
  - claims 11, 15, 17, and 29 of the '494 Patent;
  - claims 1, 8, 11, 12, 16, and 17 of the '175 Patent; and
  - claims 1, 4, 5, 16, 25, and 26 of the '728 Patent.

2. For the same reasons set forth in the Court's Order from September 8, 2015 (Dkt. No. 75) and pursuant to the Court's Order from September 18, 2015 (Dkt. No. 80), the following asserted claim is also invalid pursuant to 35 U.S.C. § 101:

- claim 30 of the '728 Patent.

1           3. The foregoing claims of the Patents-In-Suit represent all pending claims at issue in  
2 this case.

3           4. WHEREFORE JUDGMENT on the pleadings is entered in this case in favor of  
4 Defendant Google and against Plaintiff Blue Spike.

5  
6 Dated: Qewqdgt'3. 2015  
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By:   
Judge Yvonne Gonzalez Rogers  
United States District Judge

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